

09/605,602

MS.-6909.01/MSFTP118US

REMARKS

Claims 1-24 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Rejection of Claims 1-24 Under 35 U.S.C. §102(e)**

Claims 1-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Renaud (US 6,021,491). It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Renaud does not disclose or suggest *each and every limitation* as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

Applicants' claimed invention relates to providing security and facilitating integrity of components or assemblies employed during runtime by application programs. Independent claims 1, 9, 12 and 19 recite providing a key pair having a public key and a private key; *providing an assembly with a manifest that contains a public key; hashing the assembly; encrypting the hash of the assembly with the private key; and relating the encrypted hash to the assembly.*

In particular, by *providing an assembly with a manifest that contains a public key*, a user that is accessing the assembly file at runtime of an application program is assured that the assembly is being received from a same publisher that owns the associated private key of the file. Thus, for example, since the public key is not provided to any other users, an unwanted user can not access the assembly file, update it (e.g.,

09/605,602

MS1-6909.01/MSFTP118US

possibly with a virus or any other sabotaging component), and then publish the corrupted version of the assembly file claiming to be the original publisher.

Renaud does not disclose such novel aspects of the claimed invention. Rather, Renaud teaches a digital signature verification system that employs a public/private key pair wherein a data file and signature file are provided to a user, and the user then verifies the digital signature in the signature file using a signature verifying algorithm. However, instead of *storing a public key in a manifest of an assembly file* as in the claimed invention, the cited reference provides the public key to *all other users*. (See col. 1, lines 65-66). Thus, the teachings of Renaud advance security defects that applicant's claimed invention in part strives to mitigate.

The Examiner erroneously attempts to overcome the deficiencies of Renaud by suggesting that Schneier's *Applied Cryptography* combined with Renaud's teaching of "additional data" stored in the signature file (*i.e.* the name of the file, the file's author, the version of the file, a time-stamp, or a rating label. See col. 3, lines 39-42) suggests *providing an assembly with a manifest that contains a public key*. However, neither reference explicitly or inherently discloses or suggests storing a public key in an assembly manifest. The additional data mentioned in the cited reference simply relates to administrative information regarding contents of the file. There is no mention or suggestion that the additional data is a public key. Consequently, the cited reference fails to prevent an unknown user who might have mistakenly/illegally obtained the public key from sabotaging an assembly file and then re-publish the file claiming to be the original publisher. The Examiner is reminded that the standard by which anticipation is to be measured is *strict identity* between the cited document and the invention as claimed, not mere equivalence or similarity. See, *Richardson* at 9 USPQ2d 1913, 1920.

Moreover, because Renaud does not teach or suggest *providing an assembly with a manifest that contains a public key*, Renaud does not disclose *hashing the assembly that contains the public key, encrypting this hash of the assembly with the private key, and relating the encrypted hash to the assembly* as in applicant's claimed invention.

In view of at least the foregoing, it is readily apparent that Renaud does not anticipate or suggest applicants' invention as recited in the subject claims. This rejection should be withdrawn.

09/605,602

MSI-6909.01/MSFTP118US

**Conclusion**

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063[MSFTP118US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731